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SUBJECT: OPPOSITION SUPPORTS GOVERNMENT IN RATIFYING
STATE OF EMERGENCY

REF(S): A) KATHMANDU 0333

SUMMARY

1. (SBU) SUMMARY: The Lower House of Parliament ratified the state of national emergency by well over the two-thirds majority necessary to continue the emergency for another three months. The three largest Opposition parties voted with the ruling Nepali Congress Party for ratification after Communist Party of Nepal - United Marxist Leninist (UML) leader Madhav Nepal extracted several concessions--including an agreement to amend the Constitution to allow for an interim all-party government during national elections--from Prime Minister Deuba and Nepali Congress Party President G.P. Koirala. This rare display of national unity is a heartening departure from the more typical politics of self-interest that has helped weaken popular confidence in democracy. End summary.

A HARD DAY'S NIGHT AT PARLIAMENT

2. (U) After an all-day session, the House of Representatives in Parliament voted at 8:00 p.m. Feb. 21 to ratify the state of national emergency, declared by King Gyanendra November 26, allowing its continuation for an additional three months. Of the 205-member House, 194 MPs voted for ratification; 7 (from three small far-left parties) voted against; 3 MPs were absent; and 1 (Speaker Taranath Ranabhat) did not vote.

3. (U) MPs from the three largest Opposition parties--the Communist Party of Nepal - United Marxist Leninist (UML); the Rastriya Prajatantra Pakshye (RPP); and the Nepal Sadbhavana Pakshye (NSP) all voted with the governing Nepali Congress (NC) Party. Support from the UML, which controls 64 seats in the House to the Nepali Congress' 113, was critical to Prime Minister Sher Bahadur Deuba's bid for ratification, which requires a two-thirds majority vote for passage.

BACKROOM WHEELING, DEALING

4. (SBU) Although the party was not expected to block ratification, up until the actual vote, the UML had not publicly revealed its thinking on the emergency. (Some observers speculated its MPs might boycott the vote, leaving the Nepali Congress with a two-thirds majority of MPs present, thereby ensuring ratification of the emergency without the UML actually having to articulate support for the Government.) According to Jhala Nath Khanal, head of the UML's International Department, the party had already consulted with and obtained consensus from the RPP and the NSP on what changes (i.e., concessions) from the Government of Nepal (GON) to ask for as part of the ratification vote. The UML had already approached both Nepali Congress President and former Prime Minister G. P. Koirala and current Prime Minister Deuba separately with a similar pitch. Deuba "was a bit hesitant," Khanal said, fearing that former PM and current Nepali Congress Party President G.P. Koirala would use concessions granted to the Opposition as ammunition in his ongoing efforts to oust Deuba.

KOIRALA SAYS NEPALI CONGRESS MUST CLEAN HOUSE

5. (U) The UML's proposed reforms include long-pending anti-corruption legislation; legislation aimed at expanding rights for women and members of the lower castes; and amendments to the Constitution to allow for an all-party interim government during national

elections and at times of national crisis. The Opposition also was pushing the GON to define more clearly the parameters of the emergency, including which activities are banned or permitted. (Specifically, the Opposition is hoping to have lifted for mainstream political parties an indefinite, selectively applied ban on political meetings.)

16. (U) G.P. Koirala's address to Parliament Feb. 21 indicated agreement--at least for now--with many of the Opposition's proposed reforms. Corruption should be vigorously prosecuted, and the considerable assets amassed by many former Ministers should be carefully scrutinized, he said, beginning with the Nepali Congress Party. (He stopped short of saying the considerable assets of former Prime Ministers should undergo similar scrutiny.) The size of the current cabinet should be cut by half--to about 10 percent of the membership of the Lower House. All parties should unite together in "a broader democratic alliance" to confront the socio-economic problems in the country. Finally, MPs should be prepared to consider appropriate amendments to the Constitution.

17. (SBU) In his speech UML General Secretary and Opposition Leader Madhav Nepal condemned Maoist violence and called on the insurgents to resume negotiations. But he also criticized the GON for failing to deliver promised reforms and economic development. He asked for a public commitment from the PM for greater progress on these fronts. The session then broke up just before the PM was scheduled to speak while Madhav Nepal, along with Deuba and Koirala, huddled together in the lobby, according to a UML Central Committee member. During that conversation, Deuba reportedly gave Koirala and Nepal the chance to look over and approve the draft of his closing speech before the vote.

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DEUBA AGREES TO CONSIDER AMENDING CONSTITUTION --
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18. (U) In Deuba's closing remarks before the House, he committed to consider suggestions for amending the Constitution and to present a thorough set of reforms, including anti-corruption and administrative reform legislation, during the current session of Parliament. In addition, he agreed to issue clearer regulations defining proscribed and permitted activities during the state of emergency. With these concessions in hand, the 80 Opposition MPs from the UML, RPP, and NSP voted with their Nepali Congress colleagues to ratify the emergency.

19. (SBU) When asked whether he expected Deuba to honor those commitments, especially suggested amendments that would allow a national government, the UML's Khanal said the PM had "theoretically" agreed to the proposals. The UML will have to wait and see how that theoretical acceptance translates into action when/if the GON brings forward the amendments. Other UML proposals, such as a comprehensive land reform package, will be harder for the Nepali Congress Party, which counts many wealthy landlords among its members, to swallow, Khanal predicted. He added that the Nepali Congress has previously broken commitments made to the UML on several occasions; this time may be no different. (Note: Already variations in interpretation regarding what exactly Deuba committed to are emerging. For example, although the UML proposed amendments allowing an all-party interim government both during times of national crisis and during national elections, two Nepali Congress MPs both told us Deuba had undertaken to consider the possibility of an interim government during national elections only. End note.)

COMMENT

110. (SBU) Madhav Nepal had quietly let it be known that the UML would not obstruct ratification of the emergency, but Deuba obviously wanted the explicit support of the Opposition to show a united front. The Opposition leader clearly saw an opportunity to wring some public concessions from the PM--even if his own people see scant chance of their fulfillment--before consenting. The shocking brutality of the attacks in Achham, which left nearly 140 dead in just a few hours, undoubtedly strengthened Deuba's hand in pushing for ratification of the emergency. The Maoists have shown they are resolved to fight; mainstream political leaders are apparently figuring out at long last that they will have to show resolve as well. Even Koirala appears to have got the message to put his personal ambitions on hold for the time being and desist from, at least for

now, the usual intra-party maneuvering. This rare display of national unity is a heartening departure from the more typical politics of self-interest that has helped weaken popular confidence in democracy. End comment.

Malinowski